

106TH CONGRESS
2D SESSION

H.R. 4788

**HOUSE AMENDMENT TO
SENATE AMENDMENT**

In the House of Representatives, U. S.,

October 17, 2000.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4788) entitled “An Act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

At the end of the matter proposed to be inserted by the Senate amendment, add the following new sections:

1 *SEC. 311. COTTON FUTURES.*

2 *Subsection (d)(2) of the United States Cotton Futures*
3 *Act (7 U.S.C. 15b(d)(2)) is amended by adding at the end*
4 *the following: “A person complying with the preceding sen-*
5 *tence shall not be liable for any loss or damage arising or*
6 *resulting from such compliance.”.*

1 **SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT**
2 **ACTIVITIES UNDER THE PACKERS AND**
3 **STOCKYARDS ACT, 1921.**

4 (a) *IMPLEMENTATION OF GENERAL ACCOUNTING OF-*
5 *FICE RECOMMENDATIONS.*—Not later than 1 year after the
6 date of the enactment of this Act, the Secretary of Agri-
7 culture shall implement the recommendations contained in
8 the report issued by the General Accounting Office entitled
9 “Packers and Stockyards Programs: Actions Needed to Im-
10 prove Investigations of Competitive Practices”, GAO/
11 RCED–00–242, dated September 21, 2000.

12 (b) *CONSULTATION.*—During the implementation pe-
13 riod referred to in subsection (a), and for such an addi-
14 tional time period as needed to assure effective implementa-
15 tion of the recommendations contained in the report re-
16 ferred to in such subsection, the Secretary of Agriculture
17 shall consult and work with the Department of Justice and
18 the Federal Trade Commission in order to—

19 (1) *implement the recommendations in the report*
20 *regarding investigation management, operations, and*
21 *case methods development processes; and*

22 (2) *effectively identify and investigate com-*
23 *plaints of unfair and anti-competitive practices in*
24 *violation of the Packers and Stockyards Act, 1921 (7*
25 *U.S.C. 181 et seq.), and enforce the Act.*

1 (c) *TRAINING*.—Not later than 1 year after the date
 2 of the enactment of this Act, the Secretary of Agriculture
 3 shall develop and implement a training program for staff
 4 of the Department of Agriculture engaged in the investiga-
 5 tion of complaints of unfair and anti-competitive activity
 6 in violation of the Packers and Stockyards Act, 1921. In
 7 developing the training program, the Secretary of Agri-
 8 culture shall draw on existing training materials and pro-
 9 grams available at the Department of Justice and the Fed-
 10 eral Trade Commission, to the extent practicable.

11 (d) *IMPLEMENTATION REPORT*.—Not later than 1 year
 12 after the date of the enactment of this Act, the Secretary
 13 of Agriculture shall submit to Congress a report describing
 14 the actions taken to comply with this section.

15 (e) *ANNUAL ASSESSMENT OF CATTLE AND HOG IN-*
 16 *DUSTRIES*.—Title IV of the Packers and Stockyards Act,
 17 1921, is amended—

18 (1) by redesignating section 415 (7 U.S.C. 229)
 19 as section 416; and

20 (2) by inserting after section 414 the following:

21 **“SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG IN-**
 22 **DUSTRIES.**

23 “Not later than March 1 of each year, the Secretary
 24 shall submit to Congress and make publicly available a re-
 25 port that—

1 “(1) assesses the general economic state of the
2 cattle and hog industries;

3 “(2) describes changing business practices in
4 those industries; and

5 “(3) identifies market operations or activities in
6 those industries that appear to raise concerns under
7 this Act.”.

8 **SEC. 313. REHABILITATION OF WATER RESOURCE STRUC-**
9 **TURAL MEASURES CONSTRUCTED UNDER**
10 **CERTAIN DEPARTMENT OF AGRICULTURE**
11 **PROGRAMS.**

12 *The Watershed Protection and Flood Prevention Act*
13 *(16 U.S.C. 1001 et seq.) is amended by adding at the end*
14 *the following new section:*

15 **“SEC. 14. REHABILITATION OF STRUCTURAL MEASURES**
16 **NEAR, AT, OR PAST THEIR EVALUATED LIFE**
17 **EXPECTANCY.**

18 “(a) *DEFINITIONS.—For purposes of this section:*

19 “(1) *REHABILITATION.—The term ‘rehabilita-*
20 *tion’, with respect to a structural measure constructed*
21 *as part of a covered water resource project, means the*
22 *completion of all work necessary to extend the service*
23 *life of the structural measure and meet applicable*
24 *safety and performance standards. This may include:*
25 (A) *protecting the integrity of the structural measure*

1 or prolonging the useful life of the structural measure
 2 beyond the original evaluated life expectancy; (B) cor-
 3 recting damage to the structural measure from a cata-
 4 strophic event; (C) correcting the deterioration of
 5 structural components that are deteriorating at an
 6 abnormal rate; (D) upgrading the structural measure
 7 to meet changed land use conditions in the watershed
 8 served by the structural measure or changed safety
 9 criteria applicable to the structural measure; or (E)
 10 decommissioning the structure, if requested by the
 11 local organization.

12 “(2) COVERED WATER RESOURCE PROJECT.—
 13 The term ‘covered water resource project’ means a
 14 work of improvement carried out under any of the fol-
 15 lowing:

16 “(A) This Act.

17 “(B) Section 13 of the Act of December 22,
 18 1944 (Public Law 78–534; 58 Stat. 905).

19 “(C) The pilot watershed program author-
 20 ized under the heading ‘FLOOD PREVENTION’ of
 21 the Department of Agriculture Appropriation
 22 Act, 1954 (Public Law 156; 67 Stat. 214).

23 “(D) Subtitle H of title XV of the Agri-
 24 culture and Food Act of 1981 (16 U.S.C. 3451

1 *et seq.; commonly known as the Resource Con-*
2 *servation and Development Program).*

3 “(3) *STRUCTURAL MEASURE.*—*The term ‘struc-*
4 *tural measure’ means a physical improvement that*
5 *impounds water, commonly known as a dam, which*
6 *was constructed as part of a covered water resource*
7 *project, including the impoundment area and flood*
8 *pool.*

9 “(b) *COST SHARE ASSISTANCE FOR REHABILITA-*
10 *TION.*—

11 “(1) *ASSISTANCE AUTHORIZED.*—*The Secretary*
12 *may provide financial assistance to a local organiza-*
13 *tion to cover a portion of the total costs incurred for*
14 *the rehabilitation of structural measures originally*
15 *constructed as part of a covered water resource*
16 *project. The total costs of rehabilitation include the*
17 *costs associated with all components of the rehabilita-*
18 *tion project, including acquisition of land, easements,*
19 *and rights-of-ways, rehabilitation project administra-*
20 *tion, the provision of technical assistance, con-*
21 *tracting, and construction costs, except that the local*
22 *organization shall be responsible for securing all land,*
23 *easements, or rights-of-ways necessary for the project.*

24 “(2) *AMOUNT OF ASSISTANCE; LIMITATIONS.*—
25 *The amount of Federal funds that may be made*

1 *available under this subsection to a local organization*
 2 *for construction of a particular rehabilitation project*
 3 *shall be equal to 65 percent of the total rehabilitation*
 4 *costs, but not to exceed 100 percent of actual construc-*
 5 *tion costs incurred in the rehabilitation. However, the*
 6 *local organization shall be responsible for the costs of*
 7 *water, mineral, and other resource rights and all Fed-*
 8 *eral, State, and local permits.*

9 *“(3) RELATION TO LAND USE AND DEVELOPMENT*
 10 *REGULATIONS.—As a condition on entering into an*
 11 *agreement to provide financial assistance under this*
 12 *subsection, the Secretary, working in concert with the*
 13 *affected unit or units of general purpose local govern-*
 14 *ment, may require that proper zoning or other devel-*
 15 *opmental regulations are in place in the watershed in*
 16 *which the structural measures to be rehabilitated*
 17 *under the agreement are located so that—*

18 *“(A) the completed rehabilitation project is*
 19 *not quickly rendered inadequate by additional*
 20 *development; and*

21 *“(B) society can realize the full benefits of*
 22 *the rehabilitation investment.*

23 *“(c) TECHNICAL ASSISTANCE FOR WATERSHED*
 24 *PROJECT REHABILITATION.—The Secretary, acting through*
 25 *the Natural Resources Conservation Service, may provide*

1 *technical assistance in planning, designing, and imple-*
 2 *menting rehabilitation projects should a local organization*
 3 *request such assistance. Such assistance may consist of spe-*
 4 *cialists in such fields as engineering, geology, soils, agron-*
 5 *omy, biology, hydraulics, hydrology, economics, water qual-*
 6 *ity, and contract administration.*

7 “(d) *PROHIBITED USE.*—

8 “(1) *PERFORMANCE OF OPERATION AND MAINTENANCE.*—*Rehabilitation assistance provided under*
 9 *this section may not be used to perform operation and*
 10 *maintenance activities specified in the agreement for*
 11 *the covered water resource project entered into be-*
 12 *tween the Secretary and the local organization re-*
 13 *sponsible for the works of improvement. Such oper-*
 14 *ation and maintenance activities shall remain the re-*
 15 *sponsibility of the local organization, as provided in*
 16 *the project work plan.*

18 “(2) *RENEGOTIATION.*—*Notwithstanding para-*
 19 *graph (1), as part of the provision of financial assist-*
 20 *ance under subsection (b), the Secretary may renego-*
 21 *tiate the original agreement for the covered water re-*
 22 *source project entered into between the Secretary and*
 23 *the local organization regarding responsibility for the*
 24 *operation and maintenance of the project when the re-*
 25 *habilitation is finished.*

1 “(e) *APPLICATION FOR REHABILITATION ASSIST-*
2 *ANCE.—A local organization may apply to the Secretary*
3 *for technical and financial assistance under this section if*
4 *the application has also been submitted to and approved*
5 *by the State agency having supervisory responsibility over*
6 *the covered water resource project at issue or, if there is*
7 *no State agency having such responsibility, by the Governor*
8 *of the State. The Secretary shall request the State dam safe-*
9 *ty officer (or equivalent State official) to be involved in the*
10 *application process if State permits or approvals are re-*
11 *quired. The rehabilitation of structural measures shall meet*
12 *standards established by the Secretary and address other*
13 *dam safety issues. At the request of the local organization,*
14 *personnel of the Natural Resources Conservation Service of*
15 *the Department of Agriculture may assist in preparing ap-*
16 *plications for assistance.*

17 “(f) *RANKING OF REQUESTS FOR REHABILITATION*
18 *ASSISTANCE.—The Secretary shall establish such system of*
19 *approving rehabilitation requests, recognizing that such re-*
20 *quests will be received throughout the fiscal year and subject*
21 *to the availability of funds to carry out this section, as is*
22 *necessary for proper administration by the Department of*
23 *Agriculture and equitable for all local organizations. The*
24 *approval process shall be in writing, and made known to*
25 *all local organizations and appropriate State agencies.*

1 “(g) *PROHIBITION ON CERTAIN REHABILITATION AS-*
 2 *SISTANCE.—The Secretary may not approve a rehabilita-*
 3 *tion request if the need for rehabilitation of the structure*
 4 *is the result of a lack of adequate maintenance by the party*
 5 *responsible for the maintenance.*

6 “(h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 7 *authorized to be appropriated to the Secretary to provide*
 8 *financial and technical assistance under this section—*

9 “(1) \$5,000,000 for fiscal year 2001;

10 “(2) \$10,000,000 for fiscal year 2002;

11 “(3) \$15,000,000 for fiscal year 2003;

12 “(4) \$25,000,000 for fiscal year 2004; and

13 “(5) \$35,000,000 for fiscal year 2005.

14 “(i) *ASSESSMENT OF REHABILITATION NEEDS.—The*
 15 *Secretary, in concert with the responsible State agencies,*
 16 *shall conduct an assessment of the rehabilitation needs of*
 17 *covered water resource projects in all States in which such*
 18 *projects are located.*

19 “(j) *RECORDKEEPING AND REPORTS.—*

20 “(1) *SECRETARY.—The Secretary shall maintain*
 21 *a data base to track the benefits derived from reha-*
 22 *bilitation projects supported under this section and*
 23 *the expenditures made under this section. On the*
 24 *basis of such data and the reports submitted under*
 25 *paragraph (2), the Secretary shall prepare and sub-*

1 *mit to Congress an annual report providing the sta-*
2 *tus of activities conducted under this section.*

3 *“(2) GRANT RECIPIENTS.—Not later than 90*
4 *days after the completion of a specific rehabilitation*
5 *project for which assistance is provided under this*
6 *section, the local organization that received the assist-*
7 *ance shall make a report to the Secretary giving the*
8 *status of any rehabilitation effort undertaken using*
9 *financial assistance provided under this section.”.*

10 **SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CON-**
11 **VEYANCE OF MINERAL RIGHTS IN FORMER**
12 **FEDERAL LAND IN SUMTER COUNTY, SOUTH**
13 **CAROLINA.**

14 *(a) FINDINGS.—Congress finds the following:*

15 *(1) The hiking trail known as the Palmetto Trail*
16 *traverses the Manchester State Forest in Sumter*
17 *County, South Carolina, which is owned by the South*
18 *Carolina State Commission of Forestry on behalf of*
19 *the State of South Carolina.*

20 *(2) The Commission seeks to widen the Palmetto*
21 *Trail by acquiring a corridor of land along the north-*
22 *eastern border of the trail from the Anne Marie Car-*
23 *ton Boardman Trust in exchange for a tract of former*
24 *Federal land now owned by the Commission.*

1 (3) *At the time of the conveyance of the former*
2 *Federal land to the Commission in 1955, the United*
3 *States retained a reversionary interest in the land,*
4 *which now prevents the land exchange from being*
5 *completed.*

6 **(b) RELEASE OF REVERSIONARY INTEREST.—**

7 (1) *RELEASE REQUIRED.—In the case of the*
8 *tract of land identified as Tract 3 on the map num-*
9 *bered 161–DI and further described in paragraph (2),*
10 *the Secretary of Agriculture shall release the rever-*
11 *sionary interest of the United States in the land*
12 *that—*

13 (A) *requires that the land be used for public*
14 *purposes; and*

15 (B) *is contained in the deed conveying the*
16 *land from the United States to the South Caro-*
17 *lina State Commission of Forestry, dated June*
18 *28, 1955, and recorded in Deed Drawer No. 6 of*
19 *the Clerk of Court for Sumter County, South*
20 *Carolina.*

21 (2) *MAP OF TRACT 3.—Tract 3 is generally de-*
22 *icted on the map numbered 161–DI, entitled*
23 *“Boundary Survey for South Carolina Forestry Com-*
24 *mission”, dated August 1998, and filed, together with*

1 *a legal description of the tract, with the South Caro-*
 2 *lina State Commission of Forestry.*

3 (3) *CONSIDERATION.—As consideration for the*
 4 *release of the revisionary interest under paragraph*
 5 *(1), the State of South Carolina shall transfer to the*
 6 *United States a vested future interest, similar to the*
 7 *restriction described in paragraph (1)(A), in the tract*
 8 *of land identified as Parcel G on the map numbered*
 9 *225–HI, entitled “South Carolina Forestry Commis-*
 10 *sion Boardman Land Exchange”, dated June 9, 1999,*
 11 *and filed, together with a legal description of the*
 12 *tract, with the South Carolina State Commission of*
 13 *Forestry.*

14 (c) *EXCHANGE OF MINERAL RIGHTS.—*

15 (1) *EXCHANGE REQUIRED.—Subject to any valid*
 16 *existing rights of third parties, the Secretary of the*
 17 *Interior shall convey to the South Carolina State*
 18 *Commission of Forestry on behalf of the State of*
 19 *South Carolina all of the undivided mineral rights of*
 20 *the United States in the Tract 3 identified in sub-*
 21 *section (b)(1) in exchange for mineral rights of equal*
 22 *value held by the State of South Carolina in the Par-*
 23 *cel G identified in subsection (b)(3) as well as in Par-*
 24 *cels E and F owned by the State and also depicted*
 25 *on the map referred to in subsection (b)(3).*

1 (2) *DETERMINATION OF MINERAL CHARACTER.*—

2 *Not later than 90 days after the date of the enactment*
 3 *of this Act, the Secretary of the Interior shall*
 4 *determine—*

5 *(A) the mineral character of Tract 3 and*
 6 *Parcels E, F, and G; and*

7 *(B) the fair market value of the mineral in-*
 8 *terests.*

9 **SEC. 315. TECHNICAL CORRECTION REGARDING RESTORA-**
 10 **TION OF ELIGIBILITY FOR CROP LOSS ASSIST-**
 11 **ANCE.**

12 *Section 259 of the Agricultural Risk Protection Act of*
 13 *2000 (Public Law 106–224; 114 Stat. 426; 7 U.S.C. 1421*
 14 *note) is amended by adding at the end the following:*

15 “(c) *COMMODITY CREDIT CORPORATION.*—*The Sec-*
 16 *retary shall use the funds, facilities, and authorities of the*
 17 *Commodity Credit Corporation to carry out this section.”.*

18 **SEC. 316. PORK CHECKOFF REFERENDUM.**

19 *Notwithstanding section 1620(c)(3)(B)(iv) of the Pork*
 20 *Promotion, Research, and Consumer Information Act of*
 21 *1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary shall use*
 22 *funds of the Commodity Credit Corporation to pay for all*

- 1 *expenses associated with the pork checkoff referendum or-*
- 2 *dered by the Secretary on February 25, 2000.*

Attest:

Clerk.